REMARKS

The above amendments are being submitted in conjunction with the accompanying request for continued prosecution. They are also being submitted to clarify the claims for further examination, and to place them in condition for an appeal, if necessary.

In the Office Action of January 15, 2003, the examiner cited US Patents 5,873,856 (Hjertman et al.) and 6,287,283 (Ljunggreen et al.) as the basis for rejections under 35 U.S.C. 102 and 103. These rejections are traversed and, in view of the above amendments and the following remarks, reconsideration is requested.

Initially, there appears to be some confusion with respect to what the Hjertman et al. patent discloses. For example, rather than an "indicator" as asserted by the examiner, element 33 of the Hjertman et al. device is a "flange." *Hjertman et al., column 2, line 51.* Similarly, it is not clear how the Hjertman et al. patent discloses or teaches an "outer sleeve" and a "needle protection sleeve," both identified as element "31" by the examiner. Element 31 of Hjertman et al. is actually an "annular stopping flange." *Hjertman et al., column 3, line 30.*

An even more fundamental flaw with respect to any rejection based on the Hjertman et al. patent is that it simply does not disclose or teach an indicator for indicating to the user of an injection device that a sleeve associated with the device is in a certain position. What it does disclose is a stopping means 24 which cooperates with a flange 31 to limit the penetration depth of a needle during an injection, and how to set the penetration depth by axially displacing a stopping sleeve 40. *Hjertman et al., column 2 , lines 57-60 and column 3, lines 22-23.*

The fundamental flaw in the rejections is not solved by modifying the Hjertman et al. device by applying the teachings of the Ljunggreen et al. patent. First of all, neither patent discloses or teaches indicating a position of a sleeve. For at least this reason, the asserted combination is not proper.

Even if the combination were proper, the result would be an injection device with a needle covering device wherein the needle penetration depth would be adjustable (Hjertman et al.) and a selected dosage would be displayed (Ljunggreen et al.). There would be no disclosure or teaching about how to signal or indicate to a user that a sleeve associated with an injection device is in a certain position, i.e, that proper needle penetration has been achieved.

A request for continued prosecution and a petition to extend the time to respond by three months (from April 15, 2003 until July 15, 2003) is enclosed herewith. A check in the amount of $1680.00 is enclosed to cover the associated fees. The Office is also authorized hereby to charge any additional fees associated with the request for continued prosecution, this communication or the petition to Deposit Account 04-1420.

CONCLUSION

In view of the above amendments and preceding remarks, it is urged that the application is in condition for allowance. However, if the Examiner believes that any issues remain unresolved, he is invited to telephone the undersigned to expedite allowance.

Respectfully submitted,

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